

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IN RE:) CHAPTER 13
)
Chester Paul Ramagos, Jr.) CASE NO. 18-68410-LRC
)
)
DEBTOR.)

**CHAPTER 13 TRUSTEE'S
OBJECTION TO CONFIRMATION & MOTION TO DISMISS**

COMES NOW Melissa J. Davey, Chapter 13 Trustee, and objects to confirmation of the plan and files this motion to dismiss under 11 U.S.C. Section 1307(c), for cause, including the following reasons:

1. The plan as proposed will extend beyond sixty (60) months, contrary to 11 U.S.C. Section 1322(d).
2. The Debtor has failed to pay the Chapter 13 Plan payments to the Trustee as required by 11 U.S.C. Section 1326.
3. Debtor has retained possession and/or use of credit card(s), without court approval, 11 U.S.C. Sections 1305(c), 1325(a)(1), 1325(a)(3), 1325(a)(7), and 364.
4. In accordance with General Order Nos. 18-2015 and/or 22-2017 and the Statement of Rights and Responsibilities, the Debtor's attorney should timely provide proof of Debtor's \$1,300.00 per month pension income to the Chapter 13 Trustee. 11 U.S.C. Sections 521(a)(1), 1325(a)(3), 1325(a)(6), 1325(b)(1)(B) and Bankruptcy Rule 1007.
5. Pursuant to testimony at the meeting of creditors, the Debtor has not filed all tax returns that have come due in the four (4) years preceding the filing of this case, in violation of 11 U.S.C. Section 1308 (a). The Debtor should provide evidence that the tax returns have been filed for 2013, 2014, 2015, and 2016.
6. Pursuant to information received from the Internal Revenue Service, 2014 and 2016 tax returns have not been provided to the taxing authorities, preventing the Chapter 13 Trustee from evaluating the feasibility of the Chapter 13 Plan in violation of 11 U.S.C. Sections 1322(d) and 1325(a)(6).
7. The Debtor's Chapter 13 Plan fails to provide for an increase in plan payments when the direct payments of \$155.00 per month, \$221.00 per month, and \$234.00 per month for 401(k) loans end on January 2, 2019, in possible violation of 11 U.S.C. Sections 1325(a)(3), 1325(b)(1)(B) and 1325(b)(2)(A).

Melissa J. Davey, Chapter 13 Trustee
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8. The Chapter 13 Trustee cannot administer the provisions regarding Capital One Auto Finance in Section 3.2 of the Plan because the "amount of secured claim" set forth in the Plan is not equal to the "value of collateral" in the Plan and/or the filed secured claim.

9. The Chapter 13 Plan fails to provide treatment of the filed secured claim of Santander Consumer for a 2018 Nissan Maxima, in violation of 11 U.S.C. Sections 1322(a)(2) or 1325(a)(5).

10. Debtor has failed to file a Certificate of Manner of Service showing proper service pursuant to Federal Rules of Bankruptcy Procedure 2002, 3015, and 7004 in violation of NDGA Bankruptcy Court General Order 21-2017.

11. The Chapter 13 plan proposes to pay \$5,600.00 to the Debtor's Attorney for payment of attorney fees. The Trustee is unable to determine whether this is a reasonable fee and would request that Debtor's counsel appear at confirmation and be prepared to present evidence to the Court regarding the reasonableness of the requested fee.

WHEREFORE, Trustee moves this Honorable Court to inquire into the above objections at the separately scheduled and noticed confirmation hearing, deny confirmation of the Chapter 13 plan, dismiss the case, and for such other and further relief that this Court deems just and proper.

For /s/ William A. Bozarth *J. A. 979078*
William A. Bozarth
Attorney for Chapter 13 Trustee
GA Bar No. 940530

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CERTIFICATE OF SERVICE

This is to certify that I have this day served:

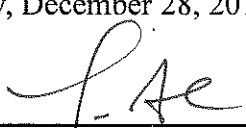
DEBTOR(S):
CHESTER PAUL RAMAGOS, JR.
1413 PRESTON PARK DRIVE
DULUTH, GA 30096

DEBTOR(S) ATTORNEY:
SLIPAKOFF & SLOMKA, PC
OVERLOOK III, SUITE 1700
2859 PACES FERRY RD, SE
ATLANTA, GA 30339

in the foregoing matter with a copy of this Objection to Confirmation & Motion to Dismiss by depositing in the United States Mail a copy of same in a properly addressed envelope with adequate postage thereon.

Friday, December 28, 2018

/s/

 979573

William A. Bozarth
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